

Clause 3 in Report No. 15 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on October 15, 2015.

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Toronto and Region Conservation Authority Service Level Agreement Extension for Regional Infrastructure Projects

Committee of the Whole recommends adoption of the following recommendations contained in the report dated September 21, 2015 from the Commissioner of Transportation Services and the Commissioner of Environmental Services:

1. Recommendations

It is recommended that:

1. Council authorize the Commissioners of Transportation Services and Environmental Services to negotiate the terms of an extension of the existing service level agreement between York Region and Toronto and Region Conservation Authority for a five-year period with allowance for a second five-year period, resulting in a maximum duration not to exceed ten years.
2. The Commissioners of Transportation Services and Environmental Services be authorized to sign the service level agreement with Toronto and Region Conservation Authority on behalf of York Region, subject to review by Legal Services.

2. Purpose

This report seeks Council authorization to renew the service level agreement between the Region and Toronto and Region Conservation Authority (TRCA) for a period of five years, commencing immediately. It also seeks Council authorization to allow the Commissioners of Transportation Services and Environmental Services to jointly execute a future renewal for a five-year period.

3. Background

Council authorized entering into a long-term service level agreement with TRCA in June 2004

In 2004, staff completed a comprehensive review of how capital infrastructure is planned, delivered and implemented because growth and acceleration in the Region's capital infrastructure programs stretched resource capacity of the Region's staff and that of key stakeholders.

All Region infrastructure projects must comply with the *Environmental Assessment Act*, as well as require permits and approvals from external regulatory agencies. The 2004 review recommended the Region pursue service level agreements with key approval agencies, including the TRCA.

In June 2004, Council approved the recommendation for the Region to enter into an appropriate service level agreement with TRCA to allow for more timely review and approval of the Region's capital infrastructure projects.

In 2011, the York Region Rapid Transit Corporation (YRRTC) began using the service level agreement to ensure TRCA permits and approvals were issued for rapid transit projects within a certain timeframe.

Significant capital projects have advanced with TRCA regulatory compliance under the existing service level agreement

Between 2008 and 2014, under the service level agreement, TRCA reviewed and issued approximately 195 permits allowing York Region's projects to proceed in compliance with regulatory requirements. In addition, TRCA reviewed and provided comments throughout the development of the Transportation Master Plan, Water and Wastewater Master Plan, including the ongoing updates, and more than 22 Municipal Class Environmental Assessments. Without these permits and reviews, Regional infrastructure projects would not have been constructed and service to growing communities would have been delayed. Some of these projects include the Southeast Collector Sewer, Highway 7 (H.3) vivaNext and Warden Avenue widening and reconstruction.

4. Analysis and Options

York Region has critical capital infrastructure projects that must be delivered in a timely manner to ensure service availability

Transportation Services and YRRTC will be constructing and commissioning more infrastructure in the next five years than in any previous five-year period. To maximize the potential to deliver these projects in a timely manner, it is important to reduce the risk associated with securing permits.

Environmental Services is proceeding with the planning, detailed design and construction activities as part of a large capital infrastructure program. This involves securing permits from regulatory agencies, including TRCA. The renewal of the service level agreement will increase certainty that critical water and wastewater projects can proceed to construction as planned.

Multiple Regional departments and TRCA benefit from the service level agreement

Transportation Services, Environmental Services and York Region Rapid Transit Corporation all participate and benefit from provisions of the service level agreement. The timely review and approval of Regional infrastructure projects allows delivery teams to schedule and forecast work, and meet stakeholder expectations.

The original purpose of the service level agreement was to establish the allocation of dedicated TRCA staff to provide more timely review under the Region's master planning and environmental assessment processes and approval under Ontario Regulation 166/06 (TRCA: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, under *Conservation Authorities Act R.S.O. 1990, c. C27*). This purpose remains unchanged. The service level agreement continues to be an effective tool in providing certainty on the timeline associated with receiving TRCA permits for a variety of different infrastructure projects.

Federal and Provincial policies and practices have changed; however, the service level agreement has not been formally updated

The existing service level agreement identifies the need to review and amend the agreement on a periodic basis to reflect Federal and Provincial legislative and/or policy changes or changes to programs of either party. There have been changes to Federal and Provincial policies and practices, including the *Fisheries*

Act and species at risk under the *Endangered Species Act*, however, the agreement has not been formally updated. For example, until 2013 TRCA was providing regulatory review for works under the federal *Fisheries Act*, in accordance with their Level III agreement. They are no longer doing this on behalf of the Department of Fisheries and Oceans. Notwithstanding this change, TRCA continues to deliver programs and services directed towards the protection, restoration and management of aquatic systems, including fish and fish habitat, as an integral component of watershed management.

In light of these changes and modifications to York Region's infrastructure program, it is appropriate to update the service level agreement. The revised agreement will reconfirm the positive working relationship between the Region and TRCA and establish the required service levels to ensure certainty in the delivery of critical infrastructure.

[Link to key Council-approved plans](#)

This report supports the 2015 to 2019 Strategic Plan priority area of managing environmentally sustainable growth; the goals of providing sustainable transportation and developing liveable cities and complete communities, as stated in Vision 2051; Transportation Master Plan, Water and Wastewater Master Plan and the Regional Official Plan triple bottom line objectives.

5. Financial Implications

Under the service level agreement partnership, the TRCA provides the Region with timely project reviews, technical expertise on environment features and functions and reviews/permits under the *Environmental Assessment Act* and Ontario Regulation 166/06.

York Region and YRRTC compensate TRCA for actual staff time incurred to meet the requirements outlined in the service level agreement at an annual cost of approximately \$655K. TRCA tracks the costs for York Region and York Region Rapid Transit Corporation separately. York Region costs are shared equally between Transportation Services and Environmental Services. York Region Rapid Transit Corporation is fully responsible for their costs.

It is estimated the cost for TRCA to meet their obligations under the renewed service level agreement is \$700K per annum. The estimated cost over the five-year period of the agreement is \$3.5M. These costs will continue to be allocated to Transportation Services, Environmental Services and York Region Rapid Transit Corporation, accordingly.

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Project reviews and acquisition of permits under the service level agreement for York Region infrastructure projects are required to support the growth-related capital programs. Growth-related capital program construction expenditures for these services are primarily funded by development charges.

6. Local Municipal Impact

The Cities of Markham and Vaughan, Towns of Richmond Hill, Whitchurch-Stouffville and Aurora and Township of King, all benefit from the timely delivery of Regional infrastructure within the TRCA watershed. Continuing the service level agreement will reduce the risk of project delay as a result of permitting and compliance with Ontario Regulation 166/06.

7. Conclusion

The existing service level agreement extension between the Region and TRCA will ensure continued priority service and dedicated conservation authority staff that will provide timely technical review and clearance for Regional projects.

For more information on this report, please contact Stephen Collins, Director of Infrastructure Management and PMO at ext. 75949, or Mike Rabeau, Director of Capital Planning and Delivery at ext. 75157.

The Senior Management Group has reviewed this report.

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